



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/821,229
Filing Date: April 8, 2004
Applicant: Tara ZIOLO et al.
Group Art Unit: 3733
Examiner: Jerry Cumberledge
Title: BONE FIXATION DEVICE
Attorney Docket: 5490E-000365

Director of the United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Sir:

Pursuant to 37 C.F.R. §§ 1.56, 1.97 and 1.98, Applicant hereby submits an Information Disclosure Statement for consideration by the Examiner.

I. LIST OF PATENTS, PUBLICATIONS, AND OTHER INFORMATION

The patents, publications and other information requested to be considered by the Office (except unpublished U.S. patent applications) are listed on Form 1449 attached hereto.

II. COPIES

A. Submitted herewith is a legible copy of (i) each foreign patent; (ii) each publication or that portion which caused it to be listed, other than U.S. patents and U.S. patent application publications unless required by the Office; (iii) each unpublished U.S. application listed below in Section IV (i.e., including the specification, claims, and any drawing of the application, or that portion of the application which caused it to be listed, including any claims directed to that portion), except for such applications filed on or after June 30, 2003, pursuant to the Waiver of the Copy Requirement in 37 C.F.R. 1.98 (OG Notice dated October 19, 2004); and (iv) all other information or that portion which caused it to be listed.

09/22/2006 HVUONG1 00000084 10821229

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Serial No. 10/821,229

Page 1 of 5

B. Any patents, publications or other information which are listed on Form 1449 or on the copies of PTO-892, but which are not enclosed herewith, were previously cited by or submitted to the PTO in one of the following applications which has been relied upon for an earlier filing date under 35 U.S.C. § 120:

U.S. Serial Number

U.S. Filing Date

C. This is a PCT application in the entry of the National Phase in the United States. A copy of the International Search Report is attached for the Examiner's information. The documents listed on the International Search report are listed on the attached Form 1449 for consideration by the Examiner and for listing on any patent resulting from this application. If the International Search report was from the US, EPO, or JPO search authorities, copies of these references should have been supplied to the USPTO under the trilateral agreement and are believed to be in the file of the above-identified application. (MPEP 1893.03(g).)

III. CONCISE EXPLANATION OF THE RELEVANCE (check at least one box)

A. Except as may be indicated below in (B), all of the patents, publications or other information are in the English language (concise explanation not required).

B. A concise explanation of the relevance of each patent, publication or other information listed that is not in the English language is as follows (see 37 C.F.R. § 1.98(a)(3)):

1. See the attached foreign patent office communication from a counterpart foreign application:

2. English translations are provided:

3. Other:

C. The following additional information is provided for the Examiner's consideration.

IV. CROSS REFERENCE TO RELATED APPLICATION(S)

A. The Examiner is advised that the following co-pending application(s) contain(s) subject matter that may be related to the present application. By bringing this(these) application(s) to the Examiner's attention, Applicant(s) does (do) not waive the confidentiality provisions of 35 U.S.C. § 122.

<u>Serial No.</u>	<u>Filing Date</u>	<u>Inventor(s)</u>
11/023,096	12/22/2004	Tara Ziolo et al.

V. THIS IDS IS BEING FILED UNDER

A. **37 C.F.R. § 1.97(b):** (check only one box)

1. within three months of the filing date of a national application other than a continued prosecution application under § 1.53(d) (37 C.F.R. § 1.97(b)(1)). No fee or certification is required.
2. within three months of the date of entry of the national stage as set forth in § 1.491 in an international application (37 C.F.R. § 1.97(b)(2)). No fee or certification is required.
3. before the mailing of a first Office Action on the merits (37 C.F.R. § 1.97(b)(3)). No fee or certification is required. In the event that a first Office Action on the merits has been issued, please consider this IDS under 37 C.F.R. § 1.97(c) and see the certification under 37 C.F.R. § 1.97(e) below; or, if no certification has been made, charge our deposit account a fee in the amount of \$180.00 as required by 37 C.F.R. § 1.17(p).
4. before the mailing of a first Office Action after the filing of a request for continued examination under 37 C.F.R. § 1.114. No fee or certification is required.

B. **37 C.F.R. § 1.97(c):** (check only one box)

before the mailing date of either any Final Office Action under 37 C.F.R. § 1.113, a Notice of Allowance under 37 C.F.R. § 1.311, or an action that otherwise closes prosecution.

1. No certification; therefore, a fee in the amount of \$180.00 is required by 37 C.F.R. § 1.17(p).
2. See the certification below. No fee is required.

C. 37 C.F.R. § 1.97(d):

after the mailing date of either a Final Office Action under 37 C.F.R. § 1.113 or a Notice of Allowance under 37 C.F.R. § 1.311, yet on or before payment of the issue fee.

1. See the certification below. A fee in the amount of \$180.00 is required by 37 C.F.R. § 1.17(p).

VI. CERTIFICATION UNDER 37 C.F.R. § 1.97(e): (check only one box)

The undersigned hereby certifies that:

A. each item of information contained in this IDS was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS (See 37 C.F.R. § 1.97(e)(1)). See further statement under 37 C.F.R. 1.704(d) below in section VII, if applicable; or

B. no item of information contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this IDS was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this IDS (See 37 C.F.R. § 1.97(e)(2)).

C. some of the items of information were first cited in a communication from a foreign patent office. As to this information, the undersigned hereby certifies that each item of information contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS. As to the remaining information, the undersigned hereby certifies that no item of this remaining information contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this IDS was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this IDS.

VII. STATEMENT UNDER 37 C.F.R. 1.704(d)

The undersigned hereby states that:

each item of information contained in this IDS was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in 37 C.F.R. § 1.56(c) more than thirty days prior to the filing of this IDS.

VIII. PAYMENT OF FEES (check only one box, if applicable)

A. A check in the amount of \$180.00 is enclosed for the above-identified fee.

B. Please charge Deposit Account No. 08-0750 in the amount of \$180.00 for the above-identified fee. A duplicate copy of this paper is attached.

Please charge any additional fees or credit any overpayment pursuant to 37 C.F.R. § 1.16 or § 1.17 to Deposit Account No. 08-0750.

The above references are being cited only in the interest of candor and without any admission that they constitute statutory prior art, contain matter which anticipates the invention, or which would render the same obvious, either singly or in combination, to a person of ordinary skill in the art. Furthermore, this Information Disclosure Statement shall not be construed as a representation that a search has been made.

If it is determined that this IDS has been filed under the wrong rule, the PTO is requested to consider this IDS under the proper rule (with a petition if necessary) and charge the appropriate fee to Deposit Account No. 08-0750.

Respectfully submitted,

Dated: September 20, 2006

By: 
Stephen T. Olson
Reg. No. 36,626
Maria Comninou
Reg. No. 44,626

HARNESS, DICKEY & PIERCE, P.L.C.
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STO/MAC/sms



FORM HDP-1449 (Based on Form PTO-1449)

PATENT AND TRADEMARK OFFICE
INFORMATION DISCLOSURE CITATION
 (Use several sheets if necessary)

Sheet 1 of 7

ATTORNEY DOCKET NO.	SERIAL NO.
5490E-000365	10/821,229
APPLICANT	
Tara ZIOLO et al.	
FILING DATE	GROUP
April 8, 2004	3733

U.S. PATENT DOCUMENTS

Ref. Desig.	Examiner's Initials	Document Number	Date	Name	Class/ Subclass	(If appropriate) Filing Date
1.		D449,692	10/23/2001	Michelson		
2.		2,248,054	06/07/1939	J. Decker		
3.		2,293,930	06/17/1939	F.W. Braendel		
4.		2,580,821	01/01/1952	T. Nicola		
5.		2,780,223	05/17/1955	P.B. Haggland		
6.		3,741,205	06/26/1973	Markolf et al.		
7.		4,279,249	07/21/1981	Vert et al.		
8.		4,388,921	06/21/1983	Sutter et al.		
9.		4,473,068	09/25/1984	Oh		
10.		4,484,570	11/27/1984	Sutter et al.		
11.		4,655,203	04/07/1987	Törmälä et al.		
12.		4,743,257	05/10/1988	Törmälä et al.		
13.		4,903,691	02/27/1990	Heinl		
14.		4,905,680	03/06/1990	Tunc		
15.		5,053,036	10/01/1991	Perren et al.		
16.		5,057,109	10/15/1991	Olerud		
17.		5,080,665	01/14/1992	Jarrett et al.		
18.		5,108,399	04/28/1992	Eitenmuller et al.		
19.		5,129,903	07/14/1992	Luhr et al.		
20.		5,139,498	08/18/1992	Astudillo Ley		
21.		5,147,360	09/15/1992	Dubousset		

Examiner:

Date Considered:

EXAMINER: Please initial if citation considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

FORM HDP-1449 (Based on Form PTO-1449)

**PATENT AND TRADEMARK OFFICE
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(Use several sheets if necessary)

Sheet 2 of 7

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5490E-000365	10/821,229
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FILING DATE	GROUP
April 8, 2004	3733

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Ref. Desig.	Examiner's Initials	Document Number	Date	Name	Class/ Subclass	(If appropriate) Filing Date
22.		5,180,381	01/19/1993	Aust et al.		
23.		5,290,281	03/01/1994	Tschakaloff		
24.		5,346,492	09/13/1994	Morgan		
25.		5,364,399	11/15/1994	Lowery et al.		
26.		5,376,102	12/27/1994	Jarrett et al.		
27.		5,423,826	06/13/1995	Coates et al.		
28.		5,468,242	11/21/1995	Reisberg		
29.		5,520,690	05/28/1996	Errico et al.		
30.		5,531,746	07/02/1996	Errico et al.		
31.		5,569,250	10/29/1996	Sarver et al.		
32.		5,578,034	11/26/1996	Estes		
33.		5,578,046	11/26/1996	Liu et al.		
34.		5,601,553	02/11/1997	Trebing et al.		
35.		5,607,426	03/04/1997	Ralph et al.		
36.		5,607,427	03/04/1997	Tschakaloff		
37.		5,607,428	03/04/1997	Lin		
38.		5,676,666	10/14/1997	Oxland et al.		
39.		5,681,311	10/28/1997	Foley et al.		
40.		5,690,631	11/25/1997	Duncan		
41.		5,702,396	12/30/1997	Hoenig et al.		

Examiner:

Date Considered:

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		5490E-000365	10/821,229
		APPLICANT	
		Tara ZIOLO et al.	
		FILING DATE	GROUP
		April 8, 2004	3733

Sheet 3 of 7

U.S. PATENT DOCUMENTS					
Ref. Desig.	Examiner's Initials	Document Number	Date	Name	Class/ Subclass (If appropriate) (If appropriate) Filing Date
42.		5,704,936	01/06/1998	Mazel	
43.		5,707,372	01/13/1998	Errico et al.	
44.		5,709,686	01/20/1998	Talos et al.	
45.		5,713,898	02/03/1998	Stücker et al.	
46.		5,713,900	02/03/1998	Benzel et al.	
47.		5,718,705	02/17/1998	Sammarco	
48.		5,735,853	04/07/1998	Olerud	
49.		5,766,176	06/16/1998	Duncan	
50.		5,797,914	08/25/1998	Leibinger	
51.		5,800,433	09/01/1998	Benzel et al.	
52.		5,814,048	09/29/1998	Morgan	
53.		5,843,082	12/01/1998	Yuan et al.	
54.		5,868,746	02/09/1999	Sarver et al.	
55.		5,876,402	03/02/1999	Errico et al.	
56.		5,904,683	05/18/1999	Pohndorf et al.	
57.		5,925,048	07/20/1999	Ahmad et al.	
58.		5,954,722	09/21/1999	Bono	
59.		5,961,524	10/05/1999	Crombie	
60.		5,980,540	11/09/1999	Bruce	
61.		6,001,101	12/14/1999	Augagneur et al.	

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		5490E-000365	10/821,229
PATENT AND TRADEMARK OFFICE INFORMATION DISCLOSURE CITATION <small>(Use several sheets if necessary)</small>		APPLICANT	
Sheet 4 of 7		Tara ZIOLO et al.	
		FILING DATE	GROUP
		April 8, 2004	3733

U.S. PATENT DOCUMENTS						
Ref. Desig.	Examiner's Initials	Document Number	Date	Name	Class/ Subclass	(If appropriate) Filing Date
62.		6,019,763	02/01/2000	Nakamura et al.		
63.		6,036,693	03/14/2000	Yuan et al.		
64.		6,039,740	03/21/2000	Olerud		
65.		6,090,111	07/18/2000	Nichols		
66.		6,117,173	09/12/2000	Taddia et al.		
67.		6,129,730	10/10/2000	Bono et al.		
68.		6,147,135	11/14/2000	Yuan et al.		
69.		6,152,927	11/28/2000	Farris et al.		
70.		6,179,839	01/30/2001	Weiss et al.		
71.		6,193,721	02/27/2001	Michelson		
72.		6,206,881	03/27/2001	Frigg et al.		
73.		6,206,883	03/27/2001	Tunc		
74.		6,214,008	04/10/2001	Illi		
75.		6,221,075	04/24/2001	Törmälä et al.		
76.		6,228,085	05/08/2001	Theken et al.		
77.		6,235,033	05/22/2001	Brace et al.		
78.		6,241,771	06/05/2001	Gresser et al.		
79.		6,261,291	07/17/2001	Talaber et al.		
80.		6,273,899	08/14/2001	Kramer		
81.		6,290,703	09/18/2001	Ganem		

Examiner:	Date Considered:
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		Tara ZIOLO et al.	
		FILING DATE	GROUP
		April 8, 2004	3733
Sheet 5 of 7			

U.S. PATENT DOCUMENTS						
Ref. Desig.	Examiner's Initials	Document Number	Date	Name	Class/ Subclass	(If appropriate) Filing Date
82.		6,294,187	09/25/2001	Boyce et al.		
83.		6,306,140	10/23/2001	Siddiqui		
84.		6,322,562	11/27/2001	Wolter		
85.		6,331,179	12/18/2001	Freid et al.		
86.		6,361,537	03/26/2002	Anderson		
87.		6,383,186	05/07/2002	Michelson		
88.		6,398,783	06/04/2002	Michelson		
89.		6,402,756	06/11/2002	Ralph et al.		
90.		6,402,759	06/11/2002	Strong et al.		
91.		6,413,259	07/02/2002	Lyons et al.		
92.		6,416,528	07/09/2002	Michelson		
93.		6,423,068	07/23/2002	Reisberg et al.		
94.		6,428,542	08/06/2002	Michelson		
95.		6,440,135	08/27/2002	Orbay et al.		
96.		6,440,136	08/27/2002	Gambale et al.		
97.		6,454,769	09/24/2002	Wagner et al.		
98.		6,458,133	10/01/2002	Lin		
99.		6,503,250	01/07/2003	Paul		
100.		6,547,790	04/15/2003	Harkey, III et al.		
101.		6,585,769	07/01/2003	Muhanna et al.		

Examiner:	Date Considered:
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EXAMINER: Please initial if citation considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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PATENT AND TRADEMARK OFFICE		APPLICANT	
INFORMATION DISCLOSURE CITATION		Tara ZIOLO et al.	
(Use several sheets if necessary)		FILING DATE	GROUP
Sheet 6 of 7		April 8, 2004	3733

U.S. PATENT DOCUMENTS						
Ref. Desig.	Examiner's Initials	Document Number	Date	Name	Class/ Subclass	(If appropriate) Filing Date
102.		6,595,993	07/22/2003	Donno et al.		
103.		6,620,163	09/16/2003	Michelson		
104.		6,645,208	11/11/2003	Apfelbaum et al.		
105.		6,669,701	12/30/2003	Steiner et al.		
106.		6,689,134	02/10/2004	Ralph et al.		
107.		6,702,817	03/09/2004	Beger et al.		
108.		6,709,686	03/23/2004	Matthew		
109.		6,719,759	04/13/2004	Wagner et al.		
110.		6,730,091	05/04/2004	Pfefferle et al.		
111.		6,761,719	07/13/2004	Justis et al.		
112.		6,767,351	07/27/2004	Orbay et al.		
113.		6,786,909	09/07/2004	Dransfeld et al.		
114.		6,893,444	05/17/2005	Orbay		
115.		6,916,320	07/12/2005	Michelson		
116.		2001/0012940	08/09/2001	Tunc		
117.		2002/0045896	04/18/2002	Michelson		
118.		2002/0065517	05/30/2002	Paul		
119.		2002/0077630	06/20/2002	Lin		
120.		2002/0120268	08/29/2002	Berger		
121.		2002/0120273	08/29/2002	Needham et al.		

Examiner:	Date Considered:
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PATENT AND TRADEMARK OFFICE INFORMATION DISCLOSURE CITIGATION (Use several sheets if necessary)		APPLICANT	
		Tara ZIOLO et al.	
Sheet 7 of 7		FILING DATE	GROUP
		April 8, 2004	3733

U.S. PATENT DOCUMENTS						
Ref. Desig.	Examiner's Initials	Document Number	Date	Name	Class/ Subclass	(If appropriate) Filing Date
122.		2002/0183755	12/05/2002	Michelson		
123.		2003/0018335	01/23/2003	Michelson		
124.		2003/0105462	06/05/2003	Haider		
125.		2003/0153919	08/14/2003	Harris		
126.		2004/0039387	02/26/2004	Gause et al.		
127.		2004/0044345	03/04/2004	DeMoss et al.		
128.		2004/0068319	04/08/2004	Cordaro		
129.		2004/0073218	04/15/2004	Dahners		
130.		2004/0153092	08/05/2004	Beger et al.		
131.		2004/0181228	09/16/2004	Wagner et al.		
132.		2004/0236332	11/25/2004	Frigg		
133.		2004/0260291	12/23/2004	Jensen		

FOREIGN PATENT DOCUMENTS						
Ref. Desig.	Examiner's Initials	Document Number	Date	Country	Class/ Subclass	Translation Yes No
1.		EP 1 570 796	07.09.2005	EUROPE		Abstract

Examiner:	Date Considered:
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EXAMINER: Please initial if citation considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.



FEE TRANSMITTAL for FY 2006

Effective 2/8/2006. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 530)

Complete if Known

Application Number

10/821,229

Filing Date

April 8, 2004

First Named Inventor

Tara Ziolo et al.

Examiner Name

Jerry Cumberledge

Art Unit

3733

Attorney Docket No.

5490E-000365

METHOD OF PAYMENT (check all that apply)

 Check Credit card Money Other None
Order
 Deposit Account:

Deposit Account Number

08-0750

Deposit Account Name

Harness, Dickey & Pierce, PLC

The Director is authorized to: (check all that apply)

 Charge fee(s) indicated below Credit any overpayments
 Charge any additional fee(s) during the pendency of this application
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	120	2251	60	Extension for reply within first month	
1252	450	2252	225	Extension for reply within second month	
1253	1020	2253	510	Extension for reply within third month	
1254	1,590	2254	795	Extension for reply within fourth month	
1255	2,160	2255	1080	Extension for reply within fifth month	
1401	500	2401	250	Notice of Appeal	
1402	500	2402	250	Filing a brief in support of an appeal	
1403	1000	2403	500	Request for oral hearing	
1452	500	2452	250	Petition to revive - unavoidable	
1453	1500	2453	750	Petition to revive - unintentional	
1462	400	1462	400	Petition fee under 37 CFR 1.17(f)	
1463	200	1463	200	Petition fee under 37 CFR 1.17(g)	
1464	130	1464	130	Petition fee under 37 CFR 1.17(h)	
1807	50	1807	50	Processing fee under 37 CFR 1.17 (q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	180
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	790	2809	395	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	790	2810	395	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	790	2801	395	Request for Continued Examination (RCE)	

SUBTOTAL (1) (\$ 0)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

		Extra Claims	Fee from below	Fee Paid
Total Claims	44	41 ** = 3	X 50 = 150	
Independent Claims	6	-5 ** = 1	X 200 = 200	
Multiple Dependent				= 0

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description
1202	50	2202	25	Claims in excess of 20
1201	200	2201	100	Independent claims in excess of 3
1203	360	2203	180	Multiple dependent claim, if not paid
1204	200	2204	100	** Reissue independent claims over original patent
1205	50	2205	25	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$ 350)

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid SUBTOTAL (3) (\$ 180)

4. SEARCH/EXAMINATION FEES

1111	500	2111	250	Utility Search Fee
1112	100	2112	50	Design Search Fee
1113	300	2113	150	Plant Search Fee
1114	500	2114	250	Reissue Search Fee
1311	200	2311	100	Utility Examination Fee
1312	130	2312	65	Design Examination Fee
1313	160	2313	80	Plant Examination Fee
1314	600	2314	300	Reissue Examination Fee

SUBTOTAL (4) (\$ 0)

**or number previously paid, if greater; For Reissues, see above

SUBMITTED BY

Complete (if applicable)

Name (Print/Type)	Stephen T. Olson Maria Comninou	Registration No. (Attorney/Agent)	36,626 44,626	Telephone	(248) 641-1600
Signature				Date	September 20, 2006

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